

Court of Appeals, State of Michigan

ORDER

People of MI v Michael Podlaszuk

Docket No. 273554

LC No. 05-002344

Brian K. Zahra
Presiding Judge

Helene N. White

Kurtis T. Wilder
Judges

The Michigan Supreme Court has remanded this case for consideration of defendant's argument that ineffective assistance of counsel caused his plea to be involuntary. *People v Podlaszuk*, __ Mich __; 737 NW2d 764 (2007) (docket number 133670, released September 12, 2007). We find no error in the trial court's conclusion that defendant was not denied the effective assistance of counsel. See generally, *People v Watkins*, 247 Mich App 14, 30-31; 634 NW2d 370 (2003). The record supports a finding that defendant's plea was voluntary, and not coerced or caused by ineffective assistance of counsel. Further, we find defendant's allegation of "newly discovered evidence" insufficient to warrant a remand to the trial court to reopen the proceedings.

We remain of the opinion that the trial court abused its discretion in granting defendant's motion to withdraw his plea.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

OCT 25 2007

Date

Sandra Schultz Mengel
Chief Clerk